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# Southeast Idaho UPDATE

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U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 10

August 2001

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## Highlighting EPA Activities in the Pocatello and Fort Hall Areas

*The Environmental Protection Agency (EPA), Idaho Division of Environmental Quality, Shoshone-Bannock Tribes, and local governments all share the responsibility for protecting the quality of the soil, water, and air in southeast Idaho. EPA periodically publishes this newsletter to help keep you informed about the work we are doing in your area.*

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### **PUBLIC COMMENT OPPORTUNITY!**

Proposed Change to FMC Consent Decree to Allow Capping of Pond 18  
See Page 2 For More Information

We want to provide you with useful environmental information about the work we are doing. Feel free to call, write, or e-mail to let us know how we can improve this newsletter to meet your needs.

## **New Proposal to Cap FMC/ Astaris Hazardous Waste Pond**

The FMC Corporation and the Shoshone-Bannock Tribes have informed EPA that they have reached an agreement on a proposal which would allow placing a protective cap over one of the company's hazardous waste storage ponds – known as Pond 18 – instead of removing and treating the waste as currently required by the 1998 RCRA Consent Decree.

FMC and the Tribes have requested that EPA modify the Consent Decree to allow FMC to cap Pond 18. EPA has considered this proposal, and believes that capping Pond 18 with waste in place can be done in a way that is safe for people and the environment. However, before making a change to the Consent Decree, EPA would like to know what you think.

### **What is Pond 18?**

Pond 18 is a double-lined hazardous waste storage pond with a leachate collection and leak detection system. The pond is divided into two cells - Cell A and Cell B. Cell A contains most of the sediment and solid materials, and Cell B contains mostly water. The 1998 RCRA Consent Decree between EPA, FMC, and the Department of Justice, allowed the company to place its hazardous wastes in Pond 18 until a waste treatment system – the LDR Treatment System – could be designed and built to treat hazardous wastes produced by the plant. The company is allowed to use the pond until May 2002, which is the deadline for FMC/Astaris to complete construction and begin operation of the LDR Treatment System. Pond 18 is located on the eastern part of the FMC/Astaris property, within the Fort Hall Reservation.

### **Public Comment Period Open Through September 21, 2001**

EPA is seeking your comments on the proposal to amend the Consent Decree to allow waste in Pond 18 to be capped in place instead of being removed and treated. All written (or e-mail) comments must be sent no later than Friday, September 21, 2001, to:

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Copies of the proposed changes to the Consent Decree can be found at the following Information Repository locations, or by contacting EPA:

Idaho State University Library  
Government Documents Department  
850 South 9th Avenue  
Pocatello, Idaho 83209  
(208) 236-2940

Shoshone-Bannock Tribal Library  
Tribal Business Center  
Pima Drive and Bannock Avenue  
Fort Hall, Idaho 83203  
(208) 238-3700

### **What is the current requirement for Pond 18?**

The Consent Decree currently requires the company to remove any sediment that accumulates in Pond 18, and treat that material in the LDR Treatment System within five years of the start of operation of the LDR Treatment System.

**Why change now?**

EPA is willing to support this proposal because capping is a proven technology that provides a long-term solution that protects people and is environmentally responsible. One benefit to capping the pond is that it can be done more quickly than the five years it will take to remove and treat the waste, which would reduce air emissions that would otherwise be released from the pond while sediment was being dredged and removed.

**How will the cap work?**

The surface of a cap consists of a layer of topsoil and vegetation. Underneath the surface, many layers of natural and synthetic materials are installed to prevent air emissions and to keep rainwater from passing through the buried waste and potentially carrying hazardous chemicals into surrounding soil or water (also called "leaching"). The cap for Pond 18 would be very similar in construction to the cap that has already been installed on former hazardous waste storage pond "8S" at the facility. The cap would also include monitoring for gases, temperature, and pressure increases, which are indicators of potential problems under the cap.

*\*\*For more information about the details of the Pond 8S cap, visit one of the Information Repositories listed on Page 2\*\**

Only the Cell A sediments would be capped in place. FMC has proposed to remove all water and any sediment that has accumulated in Cell B. The sediment in Cell B would be treated as necessary to comply with hazardous waste requirements and disposed of at an off-site location. FMC has proposed to reuse the water from Cell B within the plant for production purposes.

**Does this proposal affect construction of the LDR Treatment System?**

No. Regardless of any decision about Pond 18, the company is still required to complete construction of the LDR Treatment System by May 2002. After that date, the company is required to process hazardous wastes produced at the plant through the treatment system.

In March of 2001, EPA received a RCRA Part B permit application as required by the Consent Decree schedule, and the company is continuing to meet its obligations on work related to the LDR Treatment System.

**What happens in 20 years? 50 years? 100 years or longer?**

Astaris will be responsible and liable for all capped ponds, including Pond 18, indefinitely. The company must regularly be able to demonstrate to EPA that it has the financial ability to pay for future cap maintenance costs and groundwater monitoring around the ponds, regardless of the operating status of the company. Groundwater monitoring will ensure that if there are any releases of hazardous chemicals to groundwater they will be detected and addressed.

**What Happens Next?**

After the public comment period, EPA will decide whether to change the Consent Decree to allow capping of Pond 18. If EPA decides to do this, the company would have to submit a detailed plan (called a "pond closure plan") that describes exactly how the cap will be constructed and maintained. The Pond 18 closure plan must be approved by EPA, and the public would have another 30-day comment opportunity before EPA makes a final decision on the closure plan.

**Questions?**

If you have questions about this proposal or would like more information, please contact Charles Bert, EPA Community Involvement Coordinator, at (800) 424-4372, extension 0225, or e-mail at [bert.charles@epa.gov](mailto:bert.charles@epa.gov).

**Hiring Process Begins for EPA Position in Pocatello**

Last November, a group of senior managers from EPA's Seattle and Boise offices visited Pocatello and Fort Hall for a *Listening Tour*. During our visit we talked with a wide range of people about their environmental priorities, and heard overwhelming support for placing an EPA staff person in the area to work on local environmental issues. EPA recently posted a job announcement open to all federal employees throughout the country for a new position to be based in the Pocatello area.

The position will involve work within a number of EPA programs, including air, water, and hazardous waste, and with federal, tribal, state, and local governments, as well as the local community. EPA is expecting to include a representative from both the Shoshone-Bannock Tribes and the Idaho Department of Environmental Quality on the interview panel for the position.

Over the past several years, EPA has established a number of "place-based" positions in high priority areas in Region 10, such as Yakima, Washington, and Eugene, Oregon.

Staff working in these positions are able to gain a better understanding of the unique environmental problems facing the communities they live and work in, making them better equipped to help find positive solutions.

**Portneuf River TMDL Approved  
Local water quality grant in the works**

In April 2001, EPA approved a Waterbody Assessment and TMDL for the Portneuf River. A TMDL, or Total Maximum Daily Load, is a calculation of the maximum amount (or loading) of a pollutant that a waterbody can receive and still meet water quality standards. Water quality standards are set by States or Tribes, and identify the beneficial uses for each waterbody, and the water quality requirements needed to sustain those uses. The designated beneficial uses for the Portneuf River include drinking water supply, recreation, and aquatic life.

The Portneuf River TMDL, drafted by the Idaho Department of Environmental Quality, establishes loadings for bacteria, nutrients, sediments, and oil and grease in the Portneuf River. EPA will be awarding a \$25,000 grant in the local community to support ongoing monitoring activities in the Portneuf River which will help with implementation of the TMDL. For more information, please contact Mark Masarik, EPA Boise Office, at 208-378-5761.

## Glossary

**Consent Decree:** A legally enforceable court order. The RCRA Consent Decree between FMC, EPA, and the U.S. Department of Justice was officially entered by the U.S. District Court of Idaho in July 1999. It describes actions the company must take to address violations of federal hazardous waste management laws.

**Land Disposal Restrictions (LDR):** RCRA regulations that establish treatment requirements to protect human health and the environment when hazardous wastes are placed in a landfill, pond, or surface impoundment.

**LDR Treatment System:** A waste treatment facility that FMC is required to design and build by May 2002 to treat hazardous wastes produced at the FMC/Astaris phosphorus plant in Pocatello, Idaho, to comply with LDR.

**(RCRA) Resource Conservation and Recovery Act:** A federal law established in 1976 that governs management and disposal of hazardous wastes.

### VISIT US ON THE WEB!

Visit EPA's Region 10 website for more information about EPA activities in your community, and elsewhere in Alaska, Idaho, Oregon, and Washington!

**[www.epa.gov/r10earth](http://www.epa.gov/r10earth)**

## EPA Contacts:

To learn more about the information in this newsletter, or to be added to or removed from the mailing list, please contact:

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Or call toll-free at 1-800-424-4372.

## Other Local Environmental Agency Contacts:

### **Idaho Department of Environmental Quality**

Pocatello Regional Office  
224 South Arthur  
Pocatello, Idaho 83204  
(208) 236-6160

### **Shoshone-Bannock Tribes Land Use Commission**

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